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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,634	12/17/2003	Lieven Leopold Albertine Trappeniers	Q78312	4745
23373 7590 12/04/2009 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER GOODCHILD, WILLIAM J				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 12/04/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/736,634

Applicant(s)

ALBERTINE TRAPPENIERS ET AL

Examiner

WILLIAM J. GOODCHILD

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal filed on 08/21/2009, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Vivek Srivastava/

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

2. Claim 14 is objected to because of the following informalities: Grammatical error in claim 14, the phrase "generating a configuration0signal" should be replaced with – generating a configuration signal–. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6 and 8-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada et al., (US Publication No. 2002/0194317), (hereinafter Kanada), and further in view of Chen et al., (US Publication No. 2002/0018487), (hereinafter Chen).

Regarding claims 1 and 8-15, Kanada discloses (a) at said terminal [network device] (1), generating a service-selection-signal and transmitting said service-selection-signal (100,101) from said terminal (1) to a service-selection-server (9) [Kanada, paragraphs 42-43 and 65],

(b) at said service-selection-server [policy server] (9), in dependence of a service-definition-signal, obtained by said service-selection server (9), generating a configuration-signal [Kanada, paragraphs 70 and 153-154] and transmitting said configuration-signal to said access system [Kanada, paragraphs 44-45] (4),

(c) at said service-selection-server (9), generating a service-information-signal and transmitting said service-information-signal (105) to said terminal (1) and/or said

coupling-interface (2) to inform about the configurations made in at least parts of the access system (4) [Kanada, paragraphs 42-43], and
(d) at said terminal (1) and/or said coupling-interface (2), communicating (107,108) with said service-providing-server (6) or said other terminal via the protocol coupling (3) defined by at least one service parameter, wherein said communicating (107,108) comprises an exchange of signals that comprise said at least one service parameter [Kanada, paragraphs 70 and 153-154].

Kanada does not specifically disclose
for configuring (104) at least parts of said protocol couplings (3)
and in at least parts of the protocol couplings (3) wherein said service-information signal defines a protocol coupling (3) to be used.

However, Chen, in the same field of endeavor discloses, configuring a multiple protocol mobile station by changing the configurable parameters [Chen, paragraphs 39-40 and 44].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include multiple configurable protocols in order to provide the most efficient protocol for the use intended.

Regarding claim 2, Kanada-Chen further discloses at said service-selection-server (9), in dependence of said service-selection-signal, generating said service-definition-signal [Kanada, paragraphs 70 and 153-154].

Regarding claim 3, Kanada-Chen further discloses at said service-selection-server (9), receiving said service-definition-signal from said service-providing-server (6) or said other terminal defined by said service-selection-signal [Kanada, paragraphs 70 and 153-154].

Regarding claim 4, Kanada-Chen further discloses wherein said coupling-interface (2) is coupled to a permanent channel [Kanada, paragraph 70], with said step (d) comprising the steps of (d1) at said terminal (1) and/or said coupling-interface (2) [Chen, paragraph 40], in dependence of said service-information-signal, configuring at least parts of said terminal (1) and/or of said coupling interface (2), and of (d2) at said terminal (1) and/or said coupling-interface (2), setting up a virtual connection from said coupling-interface (2) to said access system (4) [Chen, paragraphs 39-40], and of (d3) at said access system (4) [Kanada, paragraphs 42-43 and 65], setting up a virtual connection from said access system (4) to said service-providing-server (6) or said other terminal, and with said service parameter being supplied to said terminal (1) and/or said coupling-interface (2) [Chen, paragraphs 39-40] via said service-information-signal [Kanada, paragraphs 70 and 153-154].

Regarding claim 5, Kanada-Chen further discloses wherein said coupling-interface (2) is not coupled to said access system (4) via a permanent channel, with said step (a) comprising the steps of (a 1) at said terminal (1) and/or said coupling- interface (2), in dependence of said service-selection-signal, setting up a virtual connection from said coupling-interface (2) to said service-selection-server (9) and of (a2) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-selection-signal [Chen, paragraphs 12 and 44, VMI], configuring at least parts of said terminal (1) and/or said coupling-interface (2), and with said step (d) comprising the step of (d3) at said access system (4), setting up a virtual connection from said access system (4) [Chen, paragraphs 40 and 44] to said service-providing-server (6) or said other terminal, and with said service parameter being prestored in said terminal (1) and/or said coupling-interface (2) [Chen, paragraph 39].

Regarding claim 6, Kanada-Chen further discloses said step (d) comprises the step of (d4) at said terminal (1) and/or said coupling-interface (2), in dependence of said service-information-signal, re-configuring at least parts of said terminal (1) and/or of said coupling-interface (2) [Chen, paragraphs 40 and 44] to said service-providing-server (6) or said other terminal, and with said service parameter being prestored in said terminal (1) and/or said coupling-interface (2) [Chen, paragraph 39].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanada-Chen further as applied to claim 1 above, and further in view of Jones, (US Publication No. 2002/0176547).

Regarding claim 7, Kanada-Chen does not specifically disclose said method comprises the step of (e) at said access system (4), billing packet-signals (to be) exchanged (109) between said terminal (1) and/or of said coupling-interface (2) on the one hand and said service-providing-server (6) or said other terminal on the other hand.

However, Jones discloses the use of a usage based packet billing system [Jones, paragraph 32, lines 12-21].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westfall to include the use of providing a usage based packet billing system in order to bill for packets.

Response to Arguments

3. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Examiner's Note: Examiner has cited particular paragraphs / columns and line numbers in the reference(s) applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the cited passages as taught by the prior art or relied upon by the examiner.

Should applicant amend the claims of the claimed invention, it is respectfully requested that applicant clearly indicate the portion(s) of applicant's specification that support the amended claim language for ascertaining the metes and bounds of applicant's claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM J. GOODCHILD whose telephone number is (571)270-1589. The examiner can normally be reached on Monday - Friday / 8:00 AM - 4:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WJG
11/12/2009

/VIVEK SRIVASTAVA/
Supervisory Patent Examiner, Art Unit 2445